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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,096	02/27/2004	Niranjan Patel	2004-310	7680

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Mr. Aziz M. Ahsan
P.O. Box 251
Hopewell Junction, NY 12533

EXAMINER

HINZE, LEO T

ART UNIT PAPER NUMBER

2854

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,096

Applicant(s)

PATEL, NIRANJAN

Examiner

Leo T. Hinze

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones, Jr., US 5,402,396 (hereafter Jones).

a. Regarding claim 1, Jones teaches an apparatus, comprising an alarm-clock (10, Fig. 1), wherein said alarm-clock has at least one button (24, Fig. 1) and at least one alarm, and wherein when said alarm is set said alarm button radiates light (“buttons 24, 26 be rendered translucent and for light produced by the night light be allowed to be transmitted therethrough,” col. 2, ll. 57-59). The examiner considers the limitation “to provide a visual reminder that the alarm has been set” to be functional language that is satisfied by having a button radiating light when an alarm is set. Whether the user is visually reminded that an alarm is set is immaterial to the structure and operation of the alarm clock apparatus.

b. Regarding claim 2, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein at least one luminescent device (28, Fig. 1) is associated with said alarm button, and wherein said luminescent device is selected from a group consisting of an incandescent bulb (“two bulbs,” col. 2, l. 30).

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- c. Regarding claim 3, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein material for said alarm button is selected from a group consisting translucent material (“buttons 24, 26 be rendered translucent and for light produced by the night light be allowed to be transmitted therethrough,” col. 2, ll. 57-59).
- d. Regarding claim 4, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein at least one electronic component is associated with said alarm-clock, and wherein said electronic component is selected from a group consisting of an AM-FM radio (14, Fig. 1).
- e. Regarding claim 5, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein said alarm-clock is operated using an alternating current (32, Fig. 2).
- f. Regarding claim 6, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein said at least one button is selected from a group consisting of a button that protrudes from the alarm-clock housing (24, Fig. 1).
- g. Regarding claim 8, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein the display of said alarm-clock is selected from a group consisting of a digital display (12, Fig. 1).
- h. Regarding claim 9, Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein at least one means is provided to control light radiating from said alarm-clock (30, Fig. 2).

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones.

Jones teaches all that is claimed as discussed in the rejection of claim 1 above. Jones also teaches wherein said alarm-clock is operated using an alternating current (32, Fig. 2) from a “source of AC electricity” (col. 4, l. 22).

Jones is silent as to the characteristics of the alternating current the clock is designed to use.

It is within the knowledge of a person having ordinary skill in the art that the characteristics of residential electrical power available in the United States to power devices such as the clock comprise 110/120 VAC at 60 Hz.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Jones such that it uses 110/120VAC power, because a person having ordinary skill in the art would recognize that the problem of providing power to the alarm clock would be solved if the clock were able to use the electrical power readily available in the US, and that a clock that uses readily available electrical power would have greater commercial appeal than one which required a voltage converter.

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5. Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Parissi, US 2,444,748 (hereafter Parissi).

a. Regarding claim 10:

Jones teaches an apparatus, comprising an alarm-clock (10, Fig. 1), wherein said alarm-clock has at least one button (24, Fig. 1) and at least one alarm, and wherein when said alarm is set said alarm button radiates light (“buttons 24, 26 be rendered translucent and for light produced by the night light be allowed to be transmitted therethrough,” col. 2, ll. 57-59). The examiner considers the limitation “to provide a visual reminder that the alarm has been set” to be functional language that is satisfied by having a button radiating light when an alarm is set. Whether the user is visually reminded that an alarm is set is immaterial to the structure and operation of the alarm clock apparatus.

Jones does not teach wherein when said alarm is activated said alarm button radiates a flashing light.

Parissi teaches a clock with visible alarm means (10, Fig. 1) that flashes when the alarm is activated (col. 4, ll. 9-11). The flashing is effective to alert hearing impaired users that the alarm has been activated (col. 1, ll. 4-6).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Jones wherein when said alarm is activated said alarm button radiates a flashing light, because Parissi teaches that a flashing alarm light is advantageous to alert hearing impaired users that the alarm has been activated.

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- b. Regarding claim 11, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein at least one luminescent device (28, Fig. 1) is associated with said alarm button, and wherein said luminescent device is selected from a group consisting of an incandescent bulb ("two bulbs," col. 2, l. 30).
- c. Regarding claim 12, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein material for said alarm button is selected from a group consisting translucent material ("buttons 24, 26 be rendered translucent and for light produced by the night light be allowed to be transmitted therethrough," col. 2, ll. 57-59).
- d. Regarding claim 13, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein at least one electronic component is associated with said alarm-clock, and wherein said electronic component is selected from a group consisting of an AM-FM radio (14, Fig. 1).
- e. Regarding claim 14, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein said alarm-clock is operated using an alternating current (32, Fig. 2).
- f. Regarding claim 15, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein said at least one button is selected from a group consisting of a button that protrudes from the alarm-clock housing (24, Fig. 1).
- g. Regarding claim 16:

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The combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein said alarm-clock is operated using an alternating current (32, Fig. 2).

Jones is silent as to the characteristics of the alternating current the clock is designed to use.

It is within the knowledge of a person having ordinary skill in the art that the characteristics of residential electrical power available in the United States to power devices such as the clock comprise 110/120 VAC at 60 Hz.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to additionally modify Jones such that it uses 110/120VAC power, because a person having ordinary skill in the art would recognize that the problem of providing power to the alarm clock would be easily solved if the clock were able to use the electrical power readily available in the US, and that a clock that uses readily available electrical power would have greater commercial appeal than one which required a voltage converter.

h. Regarding claim 17, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein the display of said alarm-clock is selected from a group consisting of a digital display (12, Fig. 1).

i. Regarding claim 18, the combination of Jones and Parissi teaches all that is claimed as discussed in the rejection of claim 10 above. Jones also teaches wherein at least one means is provided to control light radiating from said alarm-clock (30, Fig. 2).

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Response to Arguments

6. Applicant's arguments filed 07 July 2006 have been fully considered but they are not persuasive.

7. Applicant argues on p. 5 that Jones teaches away from applicant's invention. As the examiner applied Jones in a §102(b) rejection, Jones either teaches all of the claim limitations or does not teach all of the claim limitations. Therefore, the examiner interprets applicant's argument as being that Jones does not teach all of the claimed limitation of the instant application. The examiner disagrees, and as set forth in the rejections above. The examiner considers the limitation "to provide a visual reminder that the alarm has been set" to be functional language that is satisfied by having a button radiating light when an alarm is set. Whether the user is visually reminded that an alarm is set is immaterial to the structure and operation of the alarm clock apparatus.

8. Applicant argues on p. 6 that the rejection of claim 7 under §103(a) as obvious in view of Jones is improper, and should be withdrawn. The examiner disagrees, and as set forth in the rejections above. Jones teaches using an AC source of electricity, and while Jones is silent as to the characteristics of said AC source, any electrical engineer in the US would know the characteristics of the US power grid, and therefore design the electronic circuitry accordingly, to make use of 60Hz/110VAC power. While claim 7 also includes the limitation "a direct current source between about 1 volt and about 24 volts," as the claim is written in Markush form, a reference must only teach one of the limitations contained within the Markush group.

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9. Applicant argues on pp. 7-8 that the combination of Jones and Parissi is improper because Parissi teaches away from a combination of the two references. The examiner disagrees. Applicant cites as evidence of the teaching away that Parissi teaches that the signal switch *may* be omitted (col. 2, ll. 21-22). That a switch may be omitted also means that a signal switch also *may not* be omitted. Therefore, Parissi can not be considered to teach away from a combination with Jones as set forth by the examiner above.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leo T. Hinze
Patent Examiner
AU 2854
08 September 2006


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SUPERVISORY PATENT EXAMINER